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CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DERIVE POWER, LLC; and DERIVE
SYSTEMS, INC.;

Plaintiffs,

v.

EZ LYNK, SEZC; H&S PERFORMANCE,
LLC; THOMAS WOOD; LANCE HUNTER;
TECHIT, LLC; GDP TUNING, LLC; and
POWER PERFORMANCE ENTERPRISES,
INC.;

Defendants.

**ORDER GRANTING MOTIONS TO
QUASH FILED BY NON-PARTY
WITNESSES BENTLEY HUGIE AND
CASEY SHIRTS**

Civil No. 2:16-CV-01066-BSJ

The Honorable Bruce S. Jenkins

Non-party witnesses Bentley Hugie and Casey Shirts filed separate motions to quash—specifically for Mr. Hugie, the Non-Party Bentley Hugie’s Motion to Quash Discovery Order as Applied to His Individual Capacity [Dkt. 675], and specifically for Mr. Shirts, the Non-Party Casey Shirts’ Motion to Quash Discovery Order as Applied to His Individual Capacity [Dkt. 682] (collectively hereafter the “Motions to Quash”). The Motions to Quash came before the Court for hearing on September 24, 2018. Mr. Hugie was represented by J. Gregory Hardman of Snow Jensen & Reece, P.C., Mr. Shirts was represented by David L. Elmont of Barney, McKenna & Olmstead, P.C., and Plaintiffs Derive Power, LLC and Derive Systems, Inc. were represented by Michael J. Songer and Vincent J. Galluzzo of Crowell & Moring LLP.

The Court, having reviewed all briefing relative to the Motions to Quash, having received and considered the arguments of counsel, being fully advised in all matters related to the Motions to Quash, and good cause appearing, hereby GRANTS the Motions to Quash.


IT IS HEREBY ORDERED as follows:

1. Mr. Hugie, in his personal capacity, is not required to respond to any discovery requests propounded upon Defendant H&S Performance, LLC.
2. Mr. Shirts, in his personal capacity, is not required to respond to any discovery requests propounded upon Defendant H&S Performance, LLC.
3. Nothing in this order impacts H&S Performance, LLC's, obligation to provide documents related to its principals. Similarly, Mr. Hugie's or Mr. Shirt's personal beliefs that about the "personal" nature of any documents at issue in this case do not in any way augment the scope of discovery.

IT IS SO ORDERED.

DATED this 2nd day of November 2018.

BY THE COURT:


The Honorable Bruce S. Jenkins
United States District Court Judge